

EXHIBIT 4

1 FOR THE DEFENDANTS:

2 Ms. Leah Jean O'Leary
3 Ms. Jeanine Coggeshall
4 Mr. Eric Hudson
5 Ms. Shanna Molinare
6 Office of the Attorney General
7 Law Enforcement Defense Division
8 P.O. Box 12548
9 Austin, TX 78711
10 Tel: 512-463-2080
11 Email: Leah.oleary@oag.texas.gov

12 COURT REPORTER:

13 Ms. Kathleen K. Miller, CSR, RMR, CRR
14 515 Rusk, Room 8004
15 Houston, Texas 77002
16 Tel: 713-250-5087

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INDEX**BRYAN COLLIER**

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01:21:48

P R O C E E D I N G S

04:36:34

1
2 THE COURT: Okay. Good afternoon and welcome.
3 I apologize for the confusion about whether we could go
4 forward today. We were having trouble with our telephone
5 system.

04:36:42

6 I know you have been through it for
7 Ms. Miller, but, for my benefit, we are going to go through
8 appearances of counsel one more time. For the plaintiffs,
9 please.

10 MR. EDWARDS: Jeff Edwards and Scott Medlock
11 for the plaintiffs, Your Honor.

12 THE COURT: You are welcome.

13 MS. O'LEARY: Leah O'Leary, Jeanine Coggeshall,
14 Shanna Molinare, and Eric Hudson for the State, Your Honor.

04:36:54

15 THE COURT: Welcome to all of you. Have you
16 discussed how you wish to proceed?

17 MR. EDWARDS: We have not, Your Honor.

04:37:04

18 MS. O'LEARY: Your Honor, if you would like, I
19 can announce the witnesses that we have brought today that
20 will be available to answer questions for the Court.

21 THE COURT: Okay. Let's -- just give me --
22 give me their names, and just a brief description of the
23 subject matter of their testimony.

24 MR. EDWARDS: Yes, Your Honor.

04:37:15

25 Mr. Bryan Collier, the Executive Director

04:37:32

1 of the Texas Department of Criminal Justice, asked to be
2 here personally to answer your questions. And he can tell
3 you about the current status of the class members, and
4 their locations, and the protocols that he has put in place
5 to ensure compliance with the terms of the settlement
6 agreement going forward.

04:37:47

7 We also have Warden Daniel Dickerson. He
8 is the warden of the Estelle Unit, which is where about 40
9 of the class members currently reside to receive
10 specialized medical care, and he can answer any questions
11 and provide information about how he keeps his unit in
12 compliance.

04:38:02

13 We also have six wardens that are calling
14 in on the phone. They are the wardens of the remaining
15 facilities where class members are residing, and they will
16 be available by phone if you should have any questions for
17 them.

04:38:13

18 THE COURT: Thank you.
19 MS. O'LEARY: Our goal today is to instill
20 confidence in the Court and in class counsel that the class
21 members will be housed in safe conditions, and in
22 conditions that comply with the terms of the settlement
23 agreement.

04:38:23

24 THE COURT: Well, I appreciate that statement
25 and the sentiment.

BRYAN COLLIER - CROSS BY MR. EDWARDS

1 frankly, as an organization, had we been taking
2 temperatures, that would have been an issue that wouldn't
3 have been relied upon for a warden to have to figure out.
4 That would have been something we had in place and done.
05:28:09 5 So I looked at it from that perspective. We essentially
6 failed the unit as well.

7 Q. "We essentially failed the unit as well." What does
8 that mean?

9 A. It means we should have put temperature monitoring on
05:28:20 10 the units where we had the Pack class offenders, and we
11 could have kept an eye on the temperatures and not relied
12 on just if the equipment is working or not.

13 Q. Do you also think you ought to not misrepresent the
14 facts on the ground when people's lives are on the line?

05:28:33 15 MS. O'LEARY: Objection, argumentative.

16 THE COURT: Let's try to be as fact based as we
17 can in the inquiry. You have no doubt, do you, sir, that
18 temperatures of 100 degrees in a facility where people are
19 confined against their will is a serious health risk?

05:28:51 20 THE WITNESS: Yes, sir.

21 BY MR. EDWARDS:

22 Q. Given that you are aware that people confined --
23 would you also agree that people confined in temperatures
24 of 95 degrees is a serious health risk?

05:29:03 25 A. Yes, sir.

BRYAN COLLIER - CROSS BY MR. EDWARDS

1 (Proceedings recessed at 6:53 p.m.)

2 COURT REPORTER'S CERTIFICATE

3 I, Kathleen K. Miller, certify that the foregoing is a
4 correct transcript from the record of proceedings in the
5 above-entitled matter.

6

7 DATE: Sept. 23, 2019 /s/ Kathleen K Miller

8 Kathleen K Miller, RPR, RMR, CRR

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